

REMARKS

Claims 2-9 and 12 are pending.

Claims 2 and 9 are rejected.

Claims 3-8 and 12 are objected to.

Claim 3 is cancelled.

Claim 2 is amended.

35 USC 103(a)

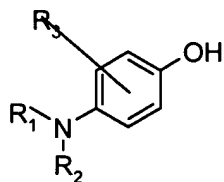
Claims 2 and 9 are rejected under 35 USC 103(a) as being unpatentable over Wirth et al., US 4,385,147.

The Office states that compounds corresponding to the nucleating agents of applicants claim 2 are known and employed in thermoplastic polymers. See Wirth at column 1, line 5 through column 3, line 17.

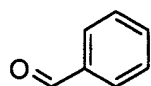
The Applicants have incorporated the limitations of claim 3 into claim 2. No new matter has been added. There is no overlap between Wirth and the present application for the following reasons.

Wirth et al. discloses meta-aminophenolic derivatives of formula (I) for stabilization of chlorine containing thermoplastics.

Wirth formula (I)

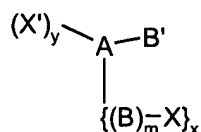


R₁ is hydrogen, C₁ -C₁₈ -alkyl, C₅ -C₇ -cycloalkyl, unsubstituted or C₁ -C₄ -alkyl-substituted or hydroxyl-substituted phenyl or one of the groups --C(R₄)=C(R₅)--COOR₆, --CH₂ CH₂ --CN,



or --CO--CH₂--CO--CH₃, R₂ is hydrogen, C₁-C₁₈-alkyl, C₅-C₇-cycloalkyl, unsubstituted or C₁-C₄-alkyl-substituted or hydroxyl-substituted phenyl or a --CH₂CH₂--CN group. R₃ is hydrogen, hydroxyl, C₁-C₄-alkyl, C₂-C₅ alkoxy carbonyl, aminocarbonyl or cyano, R₄ and R₅ independently of one another are hydrogen or C₁-C₄ alkyl and R₆ is C₁-C₁₈-alkyl or C₅-C₇-cycloalkyl.

In order for Wirth to overlap with the structure 1 of the present invention,



structure (1)

B' must be phenol and A must be nitrogen. According to the definitions in the present claim 2, the subscript "x" must be at least 2. Thus requiring at least two

$\{(B)_m - X\}_x$ groups bound to A.

B is defined in claim 2 to "be the same or different at each occurrence, comprises one or more units selected from the group consisting of **esters, thioester, ethers, thioethers, ketones, secondary and tertiary amines, amides, imides, imines, azo, azoxy, ureas, urethanes, thiourethanes and sulfonamides**, wherein moieties X and X' are compatible with said crystallizable thermoplastic polymer; and wherein X is covalently bonded to B."

Wirth does not generically disclose or suggest structures wherein the phenol substituted nitrogen of formula (I) (column 1, lines 40-50 of Wirth) is further substituted with at least **2 esters, thioester, ethers, thioethers, ketones, secondary and tertiary amines, amides, imides, imines, azo, azoxy, ureas, urethanes, thiourethanes and sulfonamides** groups. Thus there is no overlap between the Wirth and the present invention and Applicants respectfully request that the 103(a) rejection be withdrawn.

Reconsideration and withdrawal of the rejection of claims 2 and 9 is respectfully solicited in light of the amendments and explanations above.

Applicants reserve the right to file a continuation and/or divisional on the cancelled subject matter.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 2-9 and 12 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

A handwritten signature in cursive script that reads "Shiela Loggins".

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